IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 29.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Appeal No1305 of 2002

K.Ramalingam ... Appellant/Petitioner

Vs.

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Block Development Officer/
Commissioner,
Chetpet Panchayat Union,
Tiruvannamalai District.

3.The President,
Mandakolathur Village Panchayat,
Polur Taluk,
Tiruvannamalai District-606 904.

4.The Tahsildar,
Polur Taluk, Polur,
Tiruvannamalai District-606 904.

5.Ranganathan ... Respondents/Respondent

Writ appeals filed under Clause 15 of the Letters Patent against the order dated 26.03.2002 made in W.P.Nos.10137 of 2002 presented under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to not to evict the petitioner from the 0.20.0 hectares of land in Survey No.779/2C of Mandakolathur Village, Polur Taluk, Tiruvannamalai District except in accordance with due process of law.

For Appellant : J.Saravanavel
For respondents 1 to 4: Mr.K.Elango,
Special Government Pleader

For 5th respondent : No appearance

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 26.03.2002 made in W.P.No.10137 of 2002, in and by which, the learned single Judge, by observing that the petitioner is free to approach the appropriate Court to establish his right, title and possession with respect to the claim in question, has disposed of the writ petition. ``

2. Heard the learned counsel for the appellant as well as the learned Special Government Pleader for Respondents 1 to 4.

3. It is not in dispute that the lands in question belong to the third respondent-Panchayat. According to the appellant/petitioner, his father has planted trees in the land in question and now, the petitioner is in possession and enjoyment of the said lands. It is also not in dispute that till this date, the petitioner has not obtained 2-C patta in respect of those trees. In such circumstances, we are of the view that if respondents 1 to 4 evict the appellant/petitioner, they are free to invoke the provisions of the Land Encroachment Act and take action in terms of the provisions. It is also made clear that the petitioner is free to approach the authorities concerned for appropriate relief viz., 2-C patta for the enjoyment of the trees.

4. With the above observation, the writ appeal is disposed of. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Block Development Officer/
Commissioner,
Chetpet Panchayat Union,
Tiruvannamalai District.

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3.The President,
Mandakolathur Village Panchayat,
Polur Taluk,
Tiruvannamalai District-606 904.

4.The Tahsildar,
Polur Taluk, Polur,
Tiruvannamalai District-606 904.

1 cc To Mr.P.V.Bakthavatchalam, Advocate, SR.5100.
1 cc To The Government Pleader, SR.5032.

W.A.No1305 of 2002

GM(CO)
RVL 05.02.2007

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